

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4 and 2009 Iowa Acts, chapter 118, section 38, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” and Chapter 76, “Application and Investigation,” Iowa Administrative Code.

These amendments implement Medicaid “express lane” eligibility for children. Express lane eligibility is a process by which the Medicaid program can rely on a finding made under another program with similar eligibility requirements to determine that a child meets Medicaid eligibility requirements. The Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA) authorized, as a state option, the reliance on a finding from an express lane agency in determining whether a child satisfies one or more components of Medicaid eligibility. 2009 Iowa Acts, chapter 118, requires the Department to implement CHIPRA’s express lane option in order to qualify for federal performance bonus funding.

Under these amendments, children under the age of 19 who have already been determined eligible for Food Assistance based on the family’s income and circumstances will be allowed to enroll in Medicaid under the Mothers and Children (MAC) coverage group without filing a separate application. Approximately one-tenth of the children now eligible for Food Assistance are not receiving medical assistance.

The family must affirmatively request the child’s Medicaid enrollment within a reasonable period of time and must still meet the specific Medicaid requirements of attestation and verification of alien or citizen status. Medicaid enrollment through the express lane process will be for an initial period of eligibility (up to 12 months), after which all redeterminations of eligibility will be made based on standard Medicaid eligibility requirements and procedures.

Implementation of the express lane option requires separate error rate sampling, monitoring, and reporting. Error rates exceeding 3 percent will require corrective action planning and federal repayment of error cases.

The amendments also make technical changes to update form names and numbers.

These amendments do not provide for waivers in specified situations because they benefit the families affected by streamlining eligibility procedures and making more children eligible for Medicaid benefits. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on January 13, 2010, as **ARC 8461B**. The Department received no comments on the Notice of Intended Action. However, the Department has made the following changes to the amendments as published under Notice of Intended Action:

- The proposed amendments to form numbers in subrule 75.2(1) have been omitted, since that subrule was updated in amendments Adopted and Filed Emergency After Notice and published in the Iowa Administrative Bulletin on February 10, 2010, as **ARC 8503B**. Amendments to paragraphs 76.1(1)“c” and 76.5(1)“d” are revised to reflect that all versions of the form SSI Medicaid Information are now identified using the number 470-0364.
- The introductory paragraph of new subrule 76.1(8) has been reworded as follows: “*a*. The department shall rely on a determination of eligibility for food assistance pursuant to 441—Chapter 65 as establishing that a child under the age of 19 meets all eligibility requirements established in 441—subrule 75.1(28) except for citizenship or alienage requirements, unless:”
- New subparagraph (3) is added to paragraph 76.1(8)“a” as follows: “(3) The household’s income as calculated by the food assistance program exceeds the income limit for the mothers and children coverage group found at 441—subparagraph 75.1(28)“a”(1).” This change addresses the potential that the Food Assistance income limit may at some time become higher than the Medicaid income limit.
- Paragraph 76.1(8)“b” is revised to read as follows: “*b*. To obtain express lane eligibility, the child’s household must request medical assistance for the child on Form 470-4851, Express Lane Medicaid

for Children. The department will mail Form 470-4851 to the household when a child eligible for the express lane option is approved for food assistance pursuant to 441—Chapter 65. An adult member of the child’s household or a child receiving food assistance as head of household must sign Form 470-4851 and return it to the department within 30 calendar days of issuance.” This change more precisely reflects Food Assistance policy. An 18-year-old is considered a child for the mothers and children coverage group, but not for Food Assistance.

The Council on Human Services adopted these amendments on March 10, 2010.

These amendments are intended to implement Iowa Code section 249A.3.

These amendments shall become effective on June 1, 2010.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [75.11(2)“b,” 76.1, 76.5(1)“d”] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8461B**, IAB 1/13/10.

[Filed 3/11/10, effective 6/1/10]

[Published 4/7/10]

[For replacement pages for IAC, see IAC Supplement 4/7/10.]